

**PROCEEDINGS BEFORE THE
WASHINGTON STATE
BOARD OF ACCOUNTANCY**

In the matter of the Certified Public Accountant (CPA)
License(s) to Practice Public Accounting as a CPA and
CPA Firm of:

Mark D. Laird, CPA,
Individually and as Owner of
Laird and Associates, PLLC, and

Laird and Associates, PLLC,

Respondents.

NO. ACB-1347

STIPULATION
AND AGREED
ORDER

The Washington State Board of Accountancy (Board) and Mark D. Laird (Respondent)
stipulate and agree as follows:

Section 1: Procedural Stipulations

- 1.1 The Respondent understands that the State may issue a statement of charges in this matter and proceed to a hearing before the Board upon the merits of said charges although the State has not done so, in order to facilitate resolution of this matter in accordance with the legislative intent endorsed in RCW 34.05.060.
- 1.2 The Respondent understands that the Board has the power and authority to deny, suspend, revoke, or refuse to renew the Respondent's certified public accountant certificate or any individual or firm license to practice public accounting as a certified public accountant in Washington and may impose a fine plus reimbursement of the Board's investigative and legal costs in bringing charges or impose conditions precedent to renewal of the certificate or license, or impose full restitution to injured parties.

- 1.3 The Respondent understands that the Respondent has the right to defend against a statement of charges by requesting a hearing and presenting evidence on the Respondent's behalf and the Respondent voluntarily waives the right to a hearing and all other rights which may be accorded to the Respondent by the Administrative Procedures Act, chapter 34.05 RCW, and the laws of Washington, including the right to petition the courts for judicial review.
- 1.4 The Respondent wishes to expedite the resolution of this matter by means of this Stipulation and Agreed Order and does not desire to proceed to a formal hearing based on the issuance of a statement of charges.
- 1.5 The Respondent understands that this Stipulation and Agreed Order is not binding unless it is approved by the Board.
- 1.6 Should this Stipulation and Agreed Order be rejected by the Board and the State proceeds to issue a statement of charges, the Respondent waives any objection to the participation of any members of the Board at a hearing on this matter other than the consulting board member in this proceeding.
- 1.7 The parties further stipulate to the following Stipulated Facts, Conclusions of Law and Agreed Order:

Section 2: Stipulated Facts

- 2.1 At all times material hereto, Mark D. Laird, the Respondent herein, held a valid Certified Public Accountant (CPA) license (No. 24458) to practice public accounting in the state of Washington. The Respondent is the sole owner of the CPA firm, Laird and Associates, PLLC (a limited liability company). At all times material hereto, the CPA firm, Laird and Associates, PLLC, has held a valid license (No. 5198) to practice public accounting in the state of Washington.

- 2.2 In January 2012, the Board included the Respondent's CPA firm in the Board's 2012 Quality Assurance Review (QAR) and mailed a *2012 Quality Assurance Review (QAR) Status Form* to the Respondent. The Respondent was required to complete the form and return it to the Board with the required fees and documents on or before April 30, 2012. The Respondent failed to respond.
- 2.3 On May 21, 2012, the Board mailed a Final Notice to the Respondent's CPA firm requesting the Respondent submit the completed *2012 Quality Assurance Review (QAR) Status Form* with the appropriate fees to the Board by June 1, 2012. The Final Notice was mailed to the Respondent by U.S. First Class Mail to the last address the Respondent provided to the Board for the Respondent's CPA firm (317 Bridge Street, Clarkston, WA 99403). The Respondent failed to respond.
- 2.4 On August 9, 2012, Board staff phoned the Respondent and left a message requesting the Respondent to contact the Board. The Respondent failed to contact the Board.
- Based on the foregoing Stipulated Facts, the Board makes the following:

Section 3: Conclusions of Law

- 3.1 The Washington State Board of Accountancy has jurisdiction over the subject matter herein.
- 3.2 The Respondent's conduct described in Stipulated Facts 2.2 and 2.3 constitutes cause for Board discipline under RCW 18.04.295(9) for violations of WAC 4-30-130(4)(a) that requires licensed firms with an office in this state to participate in the Board's Quality Assurance Review (QAR) program every three years and submit QAR status information, along with the appropriate fee by April 30th; and WAC 4-30-034 that requires all licensees to respond, in writing, to Board communications requesting a response within 20 days of the date the Board's communication is posted in the U.S. mail.

WAC 4-30-142 identifies failure to cooperate with the Board and violation of one or more of the rules of professional conduct as bases for the Board to impose discipline.

Section 4: Agreed Order

Based on the Stipulated Facts and Conclusions of Law, Respondent agrees to entry of the following Order:

- 4.1 Respondent Mark D. Laird's individual license to practice public accounting as a CPA in the state of Washington and the CPA firm license of Laird and Associates, PLLC, are hereby SUSPENDED for three years from the date this Stipulation and Agreed Order is accepted and entered by the Board.
- 4.2 The suspension will be stayed provided the Respondent commits no further violations of the Public Accountancy Act or Board rules and complies with the terms of this Stipulation and Agreed Order.
- 4.3 If the Respondent violates or fails to comply with terms of this Stipulation and Agreed Order at any time during the period the suspension is stayed, the Board may vacate the stay and impose the original suspension for all or any part of the remaining suspension period. The Board may rely upon its own records to impose actual suspension for violation of this order. Prior to imposing actual suspension, the Board will serve the Respondent a notice of the suspension, its proposed effective date, and the action, if any, required of the Respondent to cure the conditions(s) which led to vacating of the stay.
- 4.4 Respondent agrees to:
 - 4.4.1 Pay a one thousand five hundred dollar (\$1,500) fine. This fine shall be payable to the Washington State Board of Accountancy and remitted to the Board via the Board's online services or at PO Box 41465, Olympia, WA 98504-1465 in such a manner that the Board receives it within 60 days of the Board's acceptance and

entry of this Stipulation and Agreed Order.

4.4.2 Reimburse the Board two hundred fifty dollars (\$250) for investigative and legal costs. This payment shall be payable to the Washington State Board of Accountancy and remitted to the Board via the Board's online services or at PO Box 41465, Olympia, WA 98504-1465 in such a manner that the Board receives it within 60 days of the Board's acceptance and entry of this Stipulation and Agreed Order.

4.4.3 Not violate any provisions of chapters 18.04 RCW or Title 4 WAC.

4.5 In addition to the obligations in paragraph 4.4, the Respondent shall comply with Alternative A or B as indicated by Respondent's signature within:

ALTERNATIVE A:

4.5.A.1 Within 90 days of the Board's acceptance of this Stipulation and Agreed Order, the Respondent agrees to submit to an on-site field review or peer review satisfactory to the Board of the Respondent firm's attestation and compilation services; including an evaluation of the Respondent's system of quality control. The Respondent agrees to engage a technical consultant or peer reviewer with qualifications preapproved by the Board at the Respondent's expense to complete the field review or peer review. The Respondent must submit a copy of the technical consultant's or peer reviewer's report and the Respondent's letter of response (if applicable) to the Board within 30 days of the completion of the field review or peer review. At that time the Board will review the report and determine whether or not further action is needed by the Respondent. The Respondent will comply with such other remedies as the Board deems necessary.

ALTERNATIVE B:

- 4.5.B.1 The Respondent firm and firm owner agree to limit professional services in Washington State to non-attest services and refrain from issuing audit, review, compilation or other reports prescribed by professional standards on financial statements or other information as defined in RCW 18.04 and Title 4 WAC in the state of Washington.
- 4.5.B.2 The Respondent may apply to the Board for relief from the practice restriction at 4.5.B.1 at such time as the Respondent seeks, and obtains written permission from the Board. The Respondent's request must contain at the very least quality controls satisfactory to the Board to assure that subsequent financial statement reports will conform to professional standards.
- 4.5.B.3 The Board may elect to require the Respondent to submit to a field review or peer review of the Respondent's practice at the Respondent's cost as a condition of lifting the practice restriction at 4.5.B.1 of this Order. The Board may impose such additional conditions as it deems necessary.

RESPONDENT'S ACCEPTANCE OF ALTERNATIVE (sign the appropriate line)

We accept the terms under 4.5 Alternative A Mark D. Laird

We accept the terms under 4.5 Alternative B _____

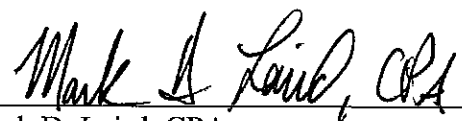
- 4.6 The Board will publish the terms of this Stipulation and Agreed Order.
- 4.7 Any and all costs involved in complying with this order shall be borne by the Respondent.
- 4.8 Any violation of the terms and conditions of this Agreed Order, chapter 18.04 RCW, and/or Title 4 WAC following the date of acceptance by the Board and notification of such acceptance to the Respondent shall be grounds for denying, suspending, revoking, or

refusing to renew the Respondent's certificate and/or license(s) as provided by chapter 18.04 RCW. The terms of this Stipulation and Agreed Order apply to and resolve only the violations referred to herein.

- 4.9 Nothing in this Order precludes the Board from exercising its authority and responsibilities under chapter 18.04 RCW or Title 4 WAC. Any violations of such chapters not herein addressed or this Order constitute independent grounds as provided for by law for Board action against the Respondent.

I, **MARK D. LAIRD**, certify that I have read this Stipulation and Agreed Order in its entirety; that I fully understand and agree to all of it, and that it may be presented to the Board without my appearance. If the Board accepts the Stipulation and Agreed Order, I understand that I will receive a signed copy.

DATED this 9th day of October, 2012.

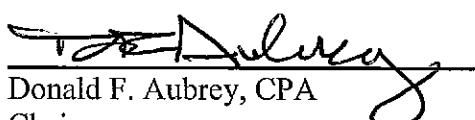

Mark D. Laird, CPA
Respondent

Section 5: Order

The Board accepts and enters this Stipulation and Agreed Order.

DATED this 14th day of October, 2012.

WASHINGTON STATE
BOARD OF ACCOUNTANCY


Donald F. Aubrey, CPA
Chair